

claim 36 for reciting “said hapten is trinitrophenol (TNP) and said coagulation agents are a combination of H<sub>2</sub>O<sub>2</sub> and ethanol” can be found throughout the application and, *inter alia*, in original claims 49 and 68. Claims 50, 57 and 69 are amended to conform with the amendments of claim 36 and/or for other formality reasons. Support for amended claim 57 for reciting “further comprising administering AraC to the mammal” can be found throughout the application and, *inter alia*, in Examples 1-10 at page 49, line 27 through page 64, line 5 of the present specification. The above-described amendments do not introduce any new matter into the present application.

#### **Information disclosure statement**

Applicant appreciates the Examiner’s initialing of references 1-19 listed on page 1 of the Form PTO-1449 submitted with the November 21, 2002 Information Disclosure Statement. Applicant noticed, however, references 20-113, listed at pages 2-5 of the Form PTO-1449, have not been initialed by the Examiner. Applicant respectfully requests the Examiner initial the references 20-113 and make these references of record of the present application.

#### **Rejections under 35 U.S.C. § 112**

##### Indefiniteness

Claims 36-44, 47-52, 54-77 and 79 are rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that claim 36 recites “autologous immune response” and asserted that it is unclear how the adjective “autologous” further defines “immune response”.

This rejection is rendered moot by the deletion of “autologous” in claim 36.

The Examiner alleged that claim 60 is rendered vague and indefinite by defining the anti-angiogenic agent by means of a trade name.

This rejection is rendered moot by the cancellation of claim 60.

### Enablement

Claims 41, 52 and 57-67 are rejected under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 41 is rejected for reciting ADR-ADH as a chelator.

This rejection is rendered moot by the cancellation of claim 41.

Claim 52 is rejected for reciting hematoxylin as a reducing agent.

This rejection is rendered moot by the cancellation of claim 52.

Claim 57-67 are rejected for reciting administration of an anti-neoplasm agent.

Claim 57 has amended to recite "further comprising administering AraC to the mammal." As shown in Examples 1-10, AraC has been successfully used in combination with a hapten and coagulation agent(s) in treating various types of tumors and cancers. Rejection of claims 58-67 are rendered moot by the cancellation of claims 58-57.

It is respectfully submitted that the rejection of claims 36-44, 47-52, 54-77 and 79 under 35 U.S.C. § 112 is overcome by the above remarks and/or amendments and must be withdrawn.

### **Rejections under 35 U.S.C. § 103**

Claims 36, 38, 43, 44, 70, 71, 73 and 79 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dima *et al.* (Laser therapy, 1990, Vol. 2, pp. 153-160) in view of Krosi *et al.* (Cancer research, 1996, Vol. 56, pp. 3281-3286) and Berd (US 5,290,551).

Claims 36-38, 43, 44, 70, 71, 73-75 and 79 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dima *et al.* (Laser therapy, 1990, Vol. 2, pp. 153-160) and Krosi *et al.* (Cancer research, 1996, Vol. 56, pp. 3281-3286) and Berd (US 5,290,551) as applied to claims 36, 38, 43, 44, 70, 71, 73 and 79 above, and further in view of Skobelkin *et al.* (Laser therapy, 1991, Vol. 3, pp. 169-175).

Claims 36, 38, 43, 44, 47-51, 70, 71, 73, 79 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dima *et al.* (Laser therapy, 1990, Vol. 2, pp. 153-160) and Krosi *et al.* (Cancer research, 1996, Vol. 56, pp 3281-3286) and Berd (US 5,290,551) as applied to claims 36, 38, 43, 44, 70, 71, 73 and 79 in section 4 above, and further in view of Gomer *et al.* (WO 98/40105) and Todryk *et al.* (Journal of Immunology, 1999, Vol. 163, pp. 1398-1408) and Molloy *et al.* (Journal of Experimental Medicine, 1994, Vol. 180, pp. 1499-1509).

Claims 36, 38, 43, 44, 47-50, 54-56, 70-73, 76, and 79 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dima *et al.* (Laser therapy, 1990, Vol. 2, pp. 153-160) and Krosi *et al.* (Cancer research, 1996, Vol. 56, pp. 3281-3286) and Berd (US 5,290,551) and Gomer *et al.* (WO 98/40105) and Todryk *et al.* (Journal of Immunology, 1999, Vol. 163, pp. 1398-1408) as applied to claims 36, 38, 43, 44, 47-50, 70, 71, 73, 79 in section 6 above, and further in view of Lin *et al.* (Journal of Gastroenterology and Hepatology, 1997, Vol. 12, pp. S319-S328).

Claims 36, 38, 43, 44, 70, 71, 73, 77 and 79 rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dima *et al.* (Laser therapy, 1990, Vol. 2, pp. 153-160) and Krosi *et al.* (Cancer research, 1996, Vol. 56, pp. 3281-3286) and Berd (US 5,290,551) as applied to claims 36, 38, 43, 44, 70, 71, 73 and 79 above, and further in view of Brien *et al.* (Lasers in surgery and Medicine, 1992, Vol. 12, pp. 313-317).

Claims 36, 38-40, 42, 43, 44, 70, 71, 73 and 79 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Dima *et al.* (Laser therapy, 1990, Vol. 2, pp. 153-160) and Krosi *et al.* (Cancer research, 1996, Vol. 56, pp. 3281-3286) and Berd (US 5,290,551) as applied to claims 36, 38, 43, 44, 70, 71, 73 and 79 above, and further in view of Lisowski *et al.* (Journal of Immunological Methods, 1972, Vol. I, pp. 341-352).

It appears that claims 68 and 69 are free of the prior art. In the interests of advancing prosecution of the present application and without accepting the Examiner's assertion, applicant has incorporated the limitations of 68 into claim 36. Accordingly, claim 36, in the presently

amended form, is free of prior art. Other pending claims 37, 39, 40, 42-44, 47, 48, 50, 57, 69, 71-77 and 79 are also free of prior art due to their dependency on claim 36.

It is respectfully submitted that the rejection under 35 U.S.C. § 103 is overcome by the above remarks and/or amendments and must be withdrawn.

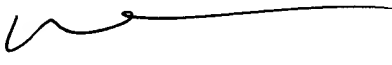
## CONCLUSION

Applicant submits that the rejections of claims 36-44, 47-52, 54-77 and 79 under 35 U.S.C. §§ 103 and 112 have been overcome by the above remarks and/or amendments. Early allowance of the pending claims 36, 37, 39, 40, 42-44, 47, 48, 50, 57, 69, 71-77 and 79 are earnestly requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 494492000100. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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